IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2016 OF 2005

IN

FIRST APPEAL STAMP NO. 11042 OF 2005

The Board of Trustees of
the Port of Mumbai ..Appellants

versus

Smt. Yamunabai A. Atkar & Ors. ..Respondents

Mr. Ramswami i/b. M/s. Mulla & Mulla & Craigie Blunt & Caroe for the Appellants.
Mrs. H. H. Chande for the Respondents No.2 and 3.

CORAM : D. G. DESHPANDE,J.

DATE : 19TH JULY,2005

P.C. :

1. Heard.

2. This is an application for condonation of delay of 38 months. It was the contention of the appellants that they are not employers but the respondent Nos. 2 and 3 were employers. Respondent Nos. 2 and 3 did not appear before the Commissioner but even then award or order came to be passed

against the appellants. Appellants thereafter filed writ petition. They were directed to deposit the amount and accordingly they deposited the amount. And now this appeal is filed and also application is filed for condonation of delay. The delay was caused on account of the writ petition filed in this Court. This application has been served upon the contesting respondent no.1. Nobody is present for them. No reply is filed. Delay is condoned. Application is allowed and disposed of.

3. Put up appeal for admission on 3.8.2005. Interim order to continue untill further orders.

19.7.2005 (D.G. DESHPANDE, J.)